



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ◆ Karyn E. Polito, Lieutenant Governor ◆ Jennifer D. Maddox, Undersecretary

PHN 2020-12
Evictions & Rent Recertification During COVID-19 Emergency

To: Local Housing Authority (LHA) Executive Directors
From: Ben Stone, Associate Director, Division of Public Housing
Subject: DHCD Guidance on Policy Regarding Residents

- Evictions & Housing Court Hearings
- Annual Rent Recertification
- Interim Rent Redetermination

Date: March 25, 2020

The Department of Housing & Community Development (DHCD) issues this guidance in recognition of the unique challenge that the COVID-19 pandemic presents to resident incomes and the normal course of LHA business. Following up Governor Baker's recent Housing Policy announcement, this PHN offers guidance related to evictions and rental recertifications in the interests of avoiding hardship for residents suffering from economic losses related to COVID-19, reducing dangerous in-person contact during the COVID-19 emergency, and relieving LHAs of administrative burden as they transition to a tele-work model.

1. **Evictions & Housing Court Hearings:** Urges LHAs to postpone all non-emergency evictions and hearings.
2. **Annual Rent Redetermination:** DHCD is issuing a regulatory waiver to defer the requirement for an annual rent redetermination for all state-funded public housing residents for 2020; LHAs may defer the annual rent redetermination until calendar year 2021
3. **Interim Rent Redetermination:** DHCD reminds LHAs of the guidance ([2020-09](#)) that they notify residents of their ability to redetermine rent due to income loss at any time, and adds some clarifications on that process.

In issuing this guidance, DHCD wants to acknowledge the ongoing and extraordinary efforts of Local Housing Authorities to safeguard their tenants during this crisis. We appreciate the leadership of the Executive Directors and Boards that have already indicated that they plan to observe a moratorium on evictions during the state of emergency, and applaud the courage and ingenuity of Authority staff who have continued to maintain public housing units and serve residents during this crisis. We know Local Housing Authorities are working with state and local public officials to address tenant needs in many ways, and recognize the impact that your collective efforts will have in helping some of our most vulnerable residents weather this storm.

1. Evictions and Housing Court Hearings

In recognition of the impact of the state of emergency on tenants, particularly those whose income has been reduced due to illness, school closures, lack of child care, layoffs, job loss or reduced hours, and in the interest of avoiding adding to the burden to the statewide homeless shelter system DHCD urges LHAs to defer all action on non-emergency evictions during the state of emergency. Without limitation, except in situations involving violent or drug-related criminal activity that seriously affects the health and safety of other residents, DHCD urges LHAs to refrain from (1) sending notices to quit, (2) filing new eviction cases, (3) taking action to pursue to judgment any currently pending eviction cases, and (4) seeking post-eviction enforcement of judgments including issuance of an execution for possession of a public housing unit. During the state of emergency DHCD also urges LHAs to show reasonable lenience to tenants who allow non-leaseholder friends or family to temporarily reside in their unit as overnight guests, as well as tenants who take extended absences from assisted units, where such actions will not harm LHAs or other residents.

Please note that, in the interest of the health and safety of the parties and the general public, the Massachusetts Housing Court has [suspended all non-emergency proceedings](#), including non-emergency summary process evictions, until at least April 21st. The Massachusetts District Court also has suspended non-emergency hearings until at least April 6, 2020. As a result, the courts will not hold any non-emergency eviction hearings for the next several weeks. If there is an emergency situation, such as violent criminal behavior posing a threat to resident health and safety, the courts will consider whether the situation warrants an earlier hearing. While parties are encouraged to reach out of court agreements for judgment, any tenant not represented will be referred to a housing specialist for review of the agreement by telephone.

2. Annual Rent Recertification

DHCD is waiving the regulation at 760 CMR 6.04(4) requiring an annual rent determination for residents of all State-Aided Public Housing for calendar year 2020. (see Attachment A: **Regulatory Waiver for 760 CMR 6.04(4)**) All LHAs scheduled to conduct rent redeterminations in 2020, including any that previously received a deferral from 2019, may defer rent redeterminations until 2021.

The reason for this regulatory waiver is to ease the administrative burden on LHA staff to allow them to focus on COVID-19 responses as well as to minimize the number of in-person contacts with tenants during the COVID-19 public health emergency.

3. Income and Rent Redetermination for Tenants Affected by State of Emergency

Please remember that, as noted in [PHN 2020-09](#), tenants in state-aided public housing are permitted to request an interim redetermination of their income and/or expenses at any time. LHAs should allow multiple income redeterminations if needed and should be lenient during this emergency period with regard to documentation accepted to verify the decrease in income or increase in deductions for the purpose of rent calculation. LHAs should notify residents that they can avail themselves of redeterminations to reflect income losses at any time. LHAs should make every effort to conduct the

redetermination over the phone or email, and should take into account losses of income based on business closures and furloughs even if not yet reflected in pay stubs. See [PHN 2020-09](#) for further details.

If you have any questions regarding the state-aided public housing program, please do not hesitate to contact your Housing Management Specialist. If you have specific questions about evictions suspension policy, please contact Sarah.oleary@mass.gov, Valda.winsloe@mass.gov, or bill.halfpenny@mass.gov. If you have questions about the changes to rental income policy, please contact Valda.winsloe@mass.gov, Christine.devore@mass.gov, or laura.taylor@mass.gov.

Thank you for your continued cooperation in administering state-aided public housing during this challenging period.